**IN THE HIGH COURT OF JUDICATURE,**
**ANDHRA PRADESH**
**AT HYDERABAD**

## HON'BLE Mr. JUSTICE R. SUBHASH REDDY

**Writ Petition No.1725 OF 2007**

**Dated: February 01, 2007**

**Between:**

Vani Aided Elementary School, rep. by its Manager & Correspondent, Ryali, Atreya-Puram Mandal, E.G. District.

... Petitioner

And

Commissioner & Director of School Education, Andhra Pradesh, Hyderbad, and others.

... Respondents

## Order:

This Writ Petition has been filed seeking Mandamus to declare proceedings dated 08-12-2006, issued by the third respondent in Rc.No.19 (B6) B4/2003, as illegal and arbitrary and a consequential direction to the respondents not to interfere with the affairs of the petitioner-institution.

2. For the order I propose to pass, merits of the case need not be gone into.

3. Certain teachers working in the petitioner-institution complained about the irregularities committed by the Correspondent. Basing on the enquiry conducted by the District Educational Officer, mainly with reference to the allegation that the Correspondent of the petitioner-institution maintained bogus roll for the purpose of midday meals scheme and did not allow teachers to mark attendance, the recognition granted to Classes I to V of the petitioner-institution was withdrawn by the impugned order in exercise of powers under Section 21 of the A.P. Education Act, 1982 (for short 'the Act'). In view of the remedy of appeal available against the said order under the statute, an appeal was preferred by the petitioner before the first respondent on 16-12-2006, along with an application seeking interim suspension.

4. Heard learned counsel for the petitioner and learned Government Pleader appearing on behalf of the respondents.

5. This Writ Petition has been filed primarily on the ground that though petitioner has availed the alternative remedy by filing an appeal before the first respondent along with an application seeking interim suspension of the impugned order, the appellate authority, i.e. the first respondent has not yet passed any orders either on the appeal or on the application seeking interim suspension, thereby failed to exercise jurisdiction vested in him.

6. In view of the allegations made against the

Correspondent of the petitioner-institution, I am not inclined to suspend the impugned order. But, at the same time, it is submitted that respondents are taking steps to seize the records of the petitioner-institution. As much as the appeal dated 16-12-2006 preferred by the petitioner before the first respondent against the impugned order is pending consideration, I deem it appropriate to dispose of the Writ Petition directing the first respondent/appellate authority to consider the appeal dated 16-12-2006 preferred by the petitioner against the order dated 08-12-2006, and pass appropriate orders thereon within a period of six weeks from the date of receipt of this order, giving opportunity to the petitioner. Till such time, respondents are directed not to takeover any records from the petitioner-institution and not to take any coercive steps. No costs.

7. The Writ Petition is disposed of with the above directions. No costs.

**JUSTICE R. SUBHASH REDDY.**

February 01, 2007
**MRR**